

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAS ARCHITECTS, INC., Plaintiff	:	No. 2:20-cv-01276-GJP
vs.	:	
CHRIS RAHN and CHRISTINE PASIEKA, Defendants	:	

**PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE TO
MOTION TO ENFORCE SETTLEMENT**

Please allow the following to serve as Plaintiff DAS Architects, Inc.'s Reply to the Response in Opposition [Doc. No. 21] to Plaintiff's Motion to the Enforce the Settlement and for Entry of Judgment [Doc. No. 19] filed by Defendants Chris Rahn and Christine Pasieka (collectively, "Defendants") on October 23, 2020.

After repeated promises and two conferences with this Honorable Court wherein Defendants confirmed their obligation and intent to pay the amounts owed to Plaintiff under the Revised Settlement Agreement, Defendants failed, without excuse or explanation, to make any payments to DAS. Defendants' wholesale lack of compliance required that Plaintiff prepare and file the Motion to the Enforce the Settlement and for Entry of Judgment. [Doc. No. 19] The Court subsequently entered an Order requiring that Defendants notify the Court no later than October 16, 2020 if they intend to file opposition to the Motion to Enforce. [Doc. No. 20] DAS was shocked to learn at 4:55 p.m. on Friday October 16, 2020 that Defendants intended to respond in opposition.

Plaintiff was even more shocked on Friday October 23, 2020 when Plaintiff received Defendants Response to the Motion to Enforce Settlement and For Entry of Judgment that did not, in any way, oppose the relief requested.

Defendants' Response confirmed Plaintiff's suspicions that it was merely another

frivolous and intentional act designed to obstruct and delay the judicial process while wasting the Court's time and resources and causing Plaintiff to incur additional legal expenses. This conclusion is self-evident from the fact that Defendants' Response admits that the money was owed and not paid. Though crafted as a "Response," Defendants' filing fails to actually "respond" to any of the factual or legal averments set forth in Plaintiff's Motion to Enforce. To the contrary, the filing is completely devoid of any opposition and should more aptly be titled a "concurrence." In fact, neither the Response nor the "Wherefore" clause seek that Plaintiff's Motion to Enforce be denied! Plaintiff submits that the total absence of any articulated opposition by Defendants is clear evidence that Defendants' intent was not to respond but rather to further delay the ability of Plaintiff to recover the full amounts sought in the Motion to Enforce.

Plaintiff respectfully requests that This Honorable Court grant the Motion to Enforce the Settlement Agreement, enter Judgement for the full amount of the claim, and award costs and fees as well as appropriate interest as set forth in the attached revised Proposed Order.

Additional Relief Requested

Defendants' conduct raises concerns that Defendants are manipulating the judicial process to provide time to move, transfer or hide assets. As the Court may recall, Mr. Rahn is a real estate developer and contractor with significant experience in real estate transactions and business formation. Plaintiff is concerned that the skills Mr. Rahn has acquired in his chosen profession make him especially capable of transferring assets to avoid recovery, should he decide to do so. This is not a new concern and has been raised with Defendants' counsel.

By filing the Response to the Motion to Enforce, without actually opposing the Motion to Enforce, Defendants have again extended the timeline and gained an additional two-week head

start on Plaintiff's effort to collect what is owed. As a reasonable response to Defendants' dilatory tactic, Plaintiff respectfully request that the Court help level the playing field and compel the Defendants to respond to discovery in aid of execution on an expedited basis. Under Fed. R. Civ. P. 26(d)(1), Courts have broad discretion to accelerate or otherwise alter the timing and sequence of discovery in the interest of justice.

Attached hereto as Exhibit "A" are standard interrogatories and requests for production of documents in aid of execution. Plaintiff intended to serve these discovery requests on Defendants as soon as the Judgment was entered, and Defendants would have 30 days to respond. In light of Defendants' frivolous response to the Motion to Enforce, and the two-week delay caused thereby, Plaintiff is requesting that the Court compel the Defendants to respond to these discovery requests within 15 days of when Judgment is entered. Such a requirement would recapture the two-week delay and justly put Plaintiff in the same position that it would have been if Defendants had not filed their frivolous non-response.

Additionally, Plaintiff is requesting that the Court compel both Defendants to appear for a deposition in aid of execution, if necessary, within thirty (30) days of when Judgment is entered. The relief requested is set forth in the attached Proposed Order.

BARDSLEY, BENEDICT + CHOLDEN, LLP



By:

Steven G. Bardsley, Esquire
Sean C. Ryan, Esquire
Attorneys for Plaintiff, DAS Architects, Inc.
10 Valley Stream Parkway
Malvern, PA 19355
Tel: (610) 624-5566
Email: Sbardsley@bbclawfirm.com
Sryan@bbclawfirm.com

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CHRIS RAHN and CHRISTINE PASIEKA, Defendants.	:	
	:	

CERTIFICATE OF SERVICE

I, Steven G. Bardsley, Esquire, counsel for Plaintiff, certify that a true and correct copy of the foregoing Plaintiff's Reply to Defendants' Response to Motion to Enforce Settlement was served by electronic mail to the following.

Jon Taylor, Esquire
The Law Offices of Jon Taylor, Esquire, P.C
1617 John F. Kennedy Boulevard
Suite 1838
Philadelphia, PA 19103

BARDSLEY, BENEDICT + CHOLDEN, LLP

By: 

Steven G. Bardsley, Esquire
Attorney ID No. 69768
Sean C. Ryan, Esquire
Attorney ID No. 209991
10 Valley Stream Parkway, Suite 201
Malvern, PA 19355
Telephone: (215) 977-4133
Fax: (866) 368-5234
E-Mail: sbardsley@bbclawfirm.com
sryan@bbclawfirm.com
Attorneys for Plaintiff